

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

FILED
HARRISBURG, PA
JUL 18 2018

(1) Mark Anthony Perry Sr. 55-420

(Name of Plaintiff) (Inmate Number)

501 Mall Road Harrisburg, Pa 17111
(Address)

PER VOE
DEPUTY CLERK

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

3:18-cv-1430
(Case Number)

vs.

CIVIL COMPLAINT

(1) Mike Welker / Treatment

(2) Jill Cuffalo / Treatment

(3) Lt. Russell Hewitt / Security
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes: (67 days and 60 days ago)
1. What steps did you take? I filed two grievances, wrote to prison board because grievances were not answered, and wrote to Dauphin County Solicitor's Office
 2. What was the result? I did all of this and received no response due to blatant interference. People who handled grievances & letters are named in this complaint.
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: Jill Cuffalo
 Employed as Treatment Counselor at Dauphin County Prison
 Mailing address: 501 Mall Rd. Harrisburg, PA 17111
- (2) Name of second defendant: Russell Hewitt
 Employed as Lieutenant of Security at Dauphin County Prison
 Mailing address: 501 Mall Rd. Harrisburg, PA 17111
- (3) Name of third defendant: Mike Welker
 Employed as Classification Supervisor at Dauphin County Prison
 Mailing address: 501 Mall Rd. Harrisburg, PA 17111
- (List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. Jill Cuffalo put my life in danger on May 14, 2018. I put in a Separation request on Mason Williams on May 13, 2018. Mason Williams found out I gave information on him back in late January concerning vast amounts of drugs being brought in daily. Cuffalo also knew about my dealings with security. I wrote her a letter on March 8, 2018 explaining everything I did, it is on record. Knowing all of this she still decided to make comments on

- May 14, 2018 to inmate Ruffis Foster when he mentioned my sequees at his disciplinary hearing (Continued on attached sheet of Paper)
2. During a courtline proceeding for Nathyn Edelman on April 9, 2018 Lt. Russell Hewitt disclosed to Mr. Edelman that I was the one who gave information on him that led to his original move to lock in status on February 5, 2018. I was in fact the one responsible. The Proceeding was held in the P-block multi purpose room (Continued) →
3. Mike Welker knowingly and deliberately moved me to cell P-1-10 on March 14, 2014 with Shagun Thompson. He was previously, right before I was celled up with him, found guilty by Jill Cuffalo and Lt. Hewitt for sexual harassment and sexual assault on his former cellmate Eric Foster. Thompson in fact propositioned Foster for oral and anal sex and became (cont.) →

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I would like, respectfully, for the court to order compensatory damages for the negligence, endangerment, mental anguish, pain and suffering that administration (Security, Treatment and classification) of Dauphin County Prison subjected me to for malicious reasons, to me.

2.

3.

Cuffalo

Mr. Foster was in fact my cell mate the day of May 14th. Foster made an inquiry about my separation request. Cuffalo stated to Foster "Stop trying to cop pleas for your celly, I am letting him get moved anyway knowing that I actually in fact gave information on Williams as I already stated. On May 16, 2018 I was in fact moved from P-6 block to P-1 where Williams was housed. On May 17, 2018 I put a grievance on treatment for blatantly disregarding my well being and safety. I also stated because of previous showings of putting me in harms way, knowingly, that I would be taking legal action. I was immediately moved back May 17, 2018 to cell P-6-1336 minutes after grievance was retrieved by Cuffalo. On May 18, 2018 I get a note asking why I needed to be separated from Mike Welker, after the fact as a cover up for something that can't be. I have all the documentation to prove this plus Mr. Foster is willing to tell his story under oath.

Hewitt

2.) I worked with prison officials, including the Warden. I met with him February 9, 2018 during the shakedown they had. We met by the visit room officials were Hewitt's colleagues (4 Lt's. 1 captain). A cover up began when I exposed these four ranking officers for lying and insubordination. Due to the fact I did so, to the Director of Security Brian Smeltzer and the Warden, The captains office sought out to target me with the help of treatment. They began to spread through the whole prison that I am a "jail house snitch" this has lead to this being let out to the outside world and S.C.I. My life has also been threatened. I have an anonymous letter that states serious bodily harm will be done to me and I heard several people call me a "rat". I have been in lock in status

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Since March 6, 2018 so noone has been able to make good, yet, on the threat. Mr. Edelman notified, to me, that he was told by Hewitt in the presence of no other than, Jill Cuffalo, that I told on him. Edelman did this on May 28, 2018. On May 29, 2018 he wrote a statement, which I have in my possession, the whole incident with Hewitt. The document was printed, signed, and dated by Edelman. Deangelo Letterlough witnessed Edelman sign it and he signed it as well at cell P-6-13. Video footage will clearly show this. Needless to say I fear for my life on both sides of the spectrum, inmates and administration. Back on March 30, 2018 I informed Cuffalo, Smeltzer, and Welker about me knowing officers spreading information to inmates. Cuffalo called it hearsay at that point. No longer is it so. Welker

3) physically aggressive. This is documented and witnessed. On April 11, 2018 Mr. Thompson sexually assaulted me and attacked me from behind. He grabbed my genitals and when I went to the cell door he came up from behind and punched me numerous times in the head and face. The attack was witnessed by Correctional Officer Johnson. I went to the door to inform him of what was going on. I pressed the emergency call button. Due to this assault I suffered a fractured finger which was X-rayed twice (April 13, 2018 & April 27, 2018) The results are on file. At my courtline hearing for "fighting", 4-16-18 and all I did is defend myself by grabbing hold of my attacker,

I informed Cuffalo and Hewitt that Thompson Sexually assaulted me. They in turn laughed and said we didn't have any idea he was gay. Note* They are the ones who found him guilty for assaulting Eric Foster. I was moved to cell P-6-8. The hearing was on April 16, 2018. After I was moved on the 11th Thompson was then put into a single cell P-1-2. Welker was also the one responsible for going along with Cuffalo's request to move me to a block I did not want to go to out of fear of harm (Separation issue May 16, 2018) I also asked to be housed in a single cell on June 11, 2018. On June 20, 2018 the request to Welker was denied and a mentally deranged man Omar Stoddard was moved into my cell although there was a single cell available in which I asked for, P-6-7. Mr. Welker continues to display characteristics of malicious intent to say the very least.

Note* The threatening note was put under my cell door June 2, 2018. I feel safe absolutely nowhere in this prison. I fear for my life. I have documentation to back up my claims 100% as well as witnesses.

Also my hearing for "fighting" took place in P-block multi purpose room. As well as Ruff's Foster's May 14, 2018 hearing. and meeting with Smeltzer, Cuffalo, and Welker March 30, 2018. I also put a grievance in on Treatment for putting me in harms way by knowingly celling me with a homosexual predator this was on May 4, 2018. The first of two grievances also documented. (Shavon Thompson). No response has been given to either grievance. I have proof I filed them and wrote to Prison Research →
over

I also on three occasions wrote My public defender John Arose, Chief Public Defender Bradley Winnick and D.A. Johnny Baer about fearing for my life. Noone has so much as lifted a finger to help me. On July 10, 2018. I presented a letter to my Knew Public Defender Eric Delp in front of President Judge Richard Lewis. I told Judge Lewis I have serious safety issues and he stated that after my attorney reads the letter he can talk with him about it. It has been a week and I have not recieved a visit from my attorney nor has he contacted my family. I have been put in protective custody but that 6-30-18 is a cover up as well fore on June 14th, 2018. Eric Greene was viciously attacked and knocked unconscious for lack of protection by prison staff. A regular population inmate was allowed to attack an inmate in protective custody. I'm awaiting the same thing to happen to me as well as an attack from correctional officers off camera. I need help and noone cares up til this point but my family,

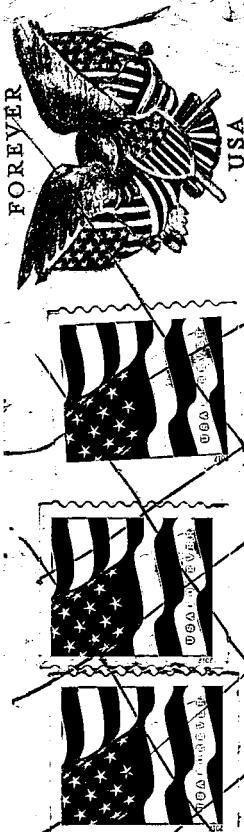
I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16th day of July, 2018.

Mark Perry Sr.
(Signature of Plaintiff)

Mark A. Perry Jr.
55420

NAME
P.C.#
DAU ALL ROAD
50 HARRISBURG, PA 17111-1299
H/



United States District Court
of the Middle District of Pennsylvania

Clerk of Courts

228 Walnut St. P.O. Box 983

Harrisburg, PA 17104

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HARRISBURG, PA

JUL 18 2018

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